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FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 05/26/2004

To: Counterterrorism

Attn: EAD John S. Pistole

From: Counterterrorism

CTORS

Contact: UC [Redacted]

Approved By: Bald Gary M

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b6
b7C

Drafted By: [Redacted]

Case ID #: (U) 66F-HQ-A-1258990 (Pending)

Title: (U) Treatment of Prisoners and Detainees

Synopsis: (U) Further clarify EC from General Counsel on Treatment of Prisoners and Detainees.

~~(S) Derived From: G-1
Declassify On: X1~~

Details: (U) This EC reiterates and memorializes existing FBI policy with regard to interviews/interrogations of prisoners, detainees and other persons under US control (PUCS). The proven template for the success of FBI personnel during interviews is a rapport based approach. The established FBI guidelines clearly state that FBI personnel may not obtain statements during interrogations by use force, threats, and or physical abuse should be adhered to regardless of the operating environment.

During the course of the ongoing Global War on Terrorism, FBI personnel have been placed in extreme operating environments to include active battlefields. Individuals have been captured, detained and interviewed during these conflicts. These individuals have been interviewed by multiple government agencies with varying interview policies. Regardless, FBI interview policy for FBI personnel conducting these interviews does not waiver. FBI policy requires issuance of Miranda warnings during custodial interrogations, however, the nature of these interviews require a case by case determination of the appropriate advisement of rights, FBI personnel should contact

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their chain of command and appropriate legal authorities for guidance prior to the interview.

If an FBI agent(s) is present when the interrogation of an individual falls outside the prescribed FBI policy the agent must immediately stop the interview and redirect the interview to conform with existing FBI policy, or remove himself/herself from the interview process.

If, in the opinion of FBI personnel present, interview techniques being applied exceed lawfully authorized practices, it is his/her responsibility to report this fact to the FBI On Scene Commander (OSC). The OSC is responsible for assessing the situation and for reporting to appropriate authority such matters as he/she deems necessary.

Although it is unusual for FBI personnel to operate in these environments, it is necessary to bring investigative expertise to the scene to evaluate information discovered or to interrogate individuals in custody when that is appropriate. The requirement for FBI personnel to operate with specialized units does not authorize participation in practices that fall outside the realm of FBI policy. Nor does assignment with these specialized units bring FBI personnel within their operational command.

Approved _____

Marion Bowman (title)

Approved _____

Valerie Caproni (title)

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LEAD(s):

Set Lead 1: (Action)

ADMINISTRATIVE SERVICES

AT FBIHQ

(U) OGC

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